



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/091,674

03/05/2002

Douglas N. Knisely

Knisely 10-4-3-1

3383

7590

12/13/2005

Greenberg Traurig, LLP
885 Third Avenue
New York, NY 10022

EXAMINER

NGUYEN, BINH QUOC

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,674	DOUGLAS KNISELY	
	Examiner	Art Unit	
	Binh Q. Nguyen	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,11-15,17 and 19 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 10, 16, 18, and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/08/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7, 9, 11-15, 17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by *Bonta et al* the U.S. Pub. No.: 2001/0055969, hereinafter referred to as *Bonta*.

Regarding claim 1; *Bonta* teaches a method of cell switching by system equipment of a wireless communication system, the method comprising the step of:
determining, by the system equipment, whether received information is coded information indicating a mobile's intent to switch from a serving system equipment [see paragraph 0022, Fig. 1, item "BTS 311" means a serving system equipment] to a particular target system equipment [see paragraph 0022, Fig. 1, item "BTS 312" means a particular target system equipment] identified by the received information that contains channel measurement update information for the serving system equipment [see paragraph 0022, and 0029].

Regarding claim 2. *Bonta* teaches the method of claim 1 where the information is received over a reverse link signaling channel of a cell in which the system equipment is located [see paragraph 0022, lines 14-20 as “ For example, as mobile unit 330 is moving toward coverage area 322 from 321, a soft handoff procedure would enable both BTS 311 and BTS 312 to transmit forward link communication signals 361 and 362, respectively, to mobile unit 330, and BTS 311 and 312 could receive reverse link communication signals 371 and 372, respectively, from mobile unit 330”].

Regarding claim 3. *Bonta* teaches the method of claim 1 further comprising the steps of: confirming [see paragraph 0022, “Once mobile unit 330 receives the handoff direction message, it will return a handoff complete message back to BSC 351” means confirming] that the received information is coded information [see paragraphs 0022, and 0034]; and transmitting, upon confirmation of the coded information, an acknowledgement signal to the mobile when the system equipment is currently serving the mobile [see paragraph 0022, lines 3-36], or when the system equipment is a target system equipment, serving the mobile in accordance with a protocol being followed by the communication system thus allowing the mobile, the serving system equipment and the target system equipment to complete the cell switching [see paragraphs 0022, and 0030].

Regarding claim 4. *Bonta* teaches the method of claim 1 where the coded information is a signal to which a spreading code is applied [see paragraphs 0015, or 0022] which signal

contains formatted information having channel measurement adjustment information for the serving system equipment where either the spreading code *[see paragraph 0013, 0022]* or at least a portion of the formatted information identifies the particular target system equipment *[see paragraph 0013, 0022]*.

Regarding claim 5. *Bonta* teaches the method of claim 4 where the spreading code *[see paragraphs 0015, or 0022]* is a null code *[see paragraph 31, "In the preferred embodiment of the present invention the mobile that continued to received bad frames for a predefined period would automatically switch to the next Walsh code reserved for that cell. In an alternate embodiment, a hashing algorithm based on the mobile's ESN is used to select a Walsh code. In yet another embodiment, the mobile receives an indication from the rescue cell that the rescue cell is transmitting to the mobile's own identity or the mobile's call identity using this Walsh code" means spreading code is a null code, as applicant defined at paragraph 28, "The null code is another type of spreading code that is defined by the communication system to indicate that the frame is a switching frame"]*.

Regarding claim 7. *Bonta* teaches the method of claim 4 where the spreading code is a cover code *[“see paragraph 22, “and communication signal 372 would be transmitted on the reverse link to BTS 312 from mobile 330.” means a cover code as applicant defined at paragraph 11, “Further, when a mobile wishes to transmit information to a specific base station, it codes the information with a spreading code called a cover code that specifically identifies that base station”]*.

Regarding claim 9. *Bonta* teaches the method of claim 1 where the coded information is a signal containing formatted information that identify the particular target system equipment and said formatted information also contains channel measurement adjustment information for the serving system equipment *[see paragraphs 0022, and 0030]*.

Regarding claim 11. *Bonta* teaches a method of cell switching by mobile equipment of a wireless communication system, the method comprising the step of:
transmitting, by the mobile *[see paragraph 0022, Fig. 1, item "mobile unit 330" means the mobile]*, coded information that indicate the mobile's intent to switch from its serving system equipment *[see paragraph 0022, Fig. 1, item "BTS 311" means a serving system equipment]* to a target system equipment *[see paragraph 0022, Fig. 1, item "BTS 312" means a particular target system equipment]* identified by the coded information that contains channel measurement adjustment information for the serving system equipment *[see paragraph 0022, and 0029]*.

Regarding claim 12. *Bonta* teaches the method of claim 11 where the information is transmitted over a reverse link signaling channel of a cell in which the system equipment is located *[see paragraph 0022, lines 14-20 as " For example, as mobile unit 330 is moving toward coverage area 322 from 321, a soft handoff procedure would enable both BTS 311 and BTS 312 to transmit forward link communication signals 361 and 362, respectively, to mobile unit 330, and BTS 311 and 312 could receive reverse link communication signals 371 and 372, respectively, from mobile unit 330"]*.

Regarding claim 13. *Bonta* teaches the method of claim 11 further comprising the steps of: waiting for an acknowledgement signal from the serving system equipment [see paragraph 0035]; and completing the cell switching with the serving system equipment and the target system equipment [see paragraph 0022, “This will complete the process of establishing a soft handoff between mobile unit 330 and BTS 311 and BTS 312” means completing the cell switching with the serving system equipment and the target system equipment].

Regarding claim 14. *Bonta* teaches the method of claim 11 where the coded information is a signal to which a spreading code is applied [see paragraphs 0015, or 0022] which signal contains formatted information having channel measurement adjustment information for the serving system equipment where either the spreading code [see paragraph 0013, 0022] or at least a portion of the formatted information identifies the particular target system equipment [see paragraph 0013, 0022].

Regarding claim 15. *Bonta* teaches the method of claim 14 where the spreading code is a null code [see paragraph 31, “In the preferred embodiment of the present invention the mobile that continued to received bad frames for a predefined period would automatically switch to the next Walsh code reserved for that cell. In an alternate embodiment, a hashing algorithm based on the mobile's ESN is used to select a Walsh code. In yet another embodiment, the mobile receives an indication from the rescue cell that the rescue cell is transmitting to the mobile's own identity or the mobile's call identity using this Walsh code” means spreading code is a null code, as applicant defined at paragraph 28, “The null code is another type of spreading code that is defined by the communication system to indicate that the frame is a switching frame”].

Regarding claim 17. *Bonta* teaches the method of claim 14 where the spreading code is a cover code [*“see paragraph 22, “and communication signal 372 would be transmitted on the reverse link to BTS 312 from mobile 330.” means a cover code as applicant defined at paragraph 11,* “Further, when a mobile wishes to transmit information to a specific base station, it codes the information with a spreading code called a cover code that specifically identifies that base station”].

Regarding claim 19. *Bonta* teaches the method of claim 11 where the coded information is a signal containing formatted information that identify the particular target system equipment and said formatted information also contains channel measurement adjustment information for the serving system equipment [*see paragraphs 0022, and 0030*].

Allowable Subject Matter

3. **Claims 6, 8, 10, 16, 18, and 20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewrite in independent form including all of the limitation of the base claim and any intervening claims.

Contact Information

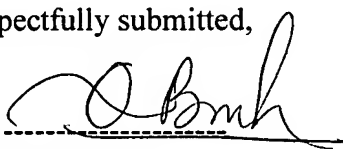
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh Q. Nguyen whose telephone number is 571-272-8563. The examiner can normally be reached on M-F: 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

By: _____


Binh Q. Nguyen
Patent Examiner
12/09/2005


Ajit Patel
Primary Examiner